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TAHJAE RAY

UNITED STATES DISTRICT COURT

NEVADA

PRIMERICA LIFE INSURANCE
 COMPANY, a foreign corporation,

Case No.: 2:22-cv-00660-RFB-BNW

Plaintiff,

**DEFENDANT'S MOTION TO
 STAY SCHEDULING ORDER
 DEADLINES [30]**

vs.

AARON LATERRELL HARRIS, SR.
 an individual; TAH'JAE RAY, as
 potential special representative of the
 ESTATE OF CANDACE HARRIS

Defendants.

Defendant, TAH'JAE RAY (hereinafter "Ray") by and through her attorney,
 BRANDON W. MCCOY, ESQ., of MCCOY LAW GROUP, LTD, pursuant to
 Federal Rule of Civil Procedure, hereby files her Motion to Stay Scheduling Order
 Deadlines [30] in this matter.

This Motion is based on papers and pleadings on file herein, the following
 memorandum of points and authorities and any oral argument the court chooses to
 entertain at the time of hearing on this matter.

MEMORANDUM OF POINTS AND AUTHORITIES

This is an interpleader action to determine which of the two named
 defendants is entitled to receive the benefit of a life insurance policy following

1 the death of the decedent, where the named beneficiary, AARON LATERRELL
2 HARRIS, SR.) (“Harris”), has been charged with the felonious and intentional
3 killing of said decedent.

4 **II. STATEMENT OF RELEVANT FACTS**

5 Primerica issued the subject life insurance policy Number 04903871325
6 (the “Policy”) to Harris. The Policy included a Spouse Term Insurance Rider,
7 which insured the life of Candace Arlene Harris (the “Decedent”) in the amount
8 of \$250,000 (the “Spouse Rider”), and an Increasing Benefit Spouse Rider,
9 which increased the benefit under the Spouse Rider by 10% each year beginning
10 with the second year, in exchange for an increase in premiums (the “IBR”).
11 Harris was the beneficiary of the Spouse Rider and the IBR.

12 The Decedent was killed on September 24, 2020, at which time the total
13 benefit on the life of the Decedent under the Spouse Rider and the IBR was
14 \$325,000 (the “Benefit”). Harris is *alleged* in Eighth Judicial District Court
15 Criminal Case No. C-20-351959-1, to have murdered the Decedent. Harris’
16 murder trial is currently set for May 30, 2023, and he is currently incarcerated.
17 As such, adhering to the present schedule could be moot if Harris is found guilty
18 and not permitting a stay could be a waste of time for Plaintiff, Defendants, and
19 this Court. Therefore Defendant, Ray, would ask the Court stay the deadlines
20 contained in the Scheduling Order [30] until such time as Harris’ trial concludes.

21 **III. APPLICABLE LEGAL STANDARDS.**

22 Pursuant to **NRS 41B**, a person convicted of murdering the decedent may
23 not be able to inherit the life insurance policy of the decedent. See,

24 **NRS 41B.200** General rule; killer cannot profit or benefit from
25 wrong; anti-lapse statute and right of representation; contingent,
26 residuary and other beneficiaries; common law.

1 1. Notwithstanding any other provision of law, the provisions of
 2 this chapter apply to any appointment, nomination, power, right,
 3 property, interest or benefit that accrues or devolves to a killer of a
 4 decedent based upon the death of the decedent. If any such
 5 appointment, nomination, power, right, property, interest or benefit
 6 is not expressly covered by the provisions of this chapter, it must be
 7 treated in accordance with the principle that a killer cannot profit or
 8 benefit from his or her wrong.

9 Subsection 1 states that a *beneficiary may lose interest in the estate if he or*
 10 *she has been “charged with or convicted or acquitted” of murder of the estate’s*
 11 *grantor.* Subsection 1(b) expands the possibilities further to include a “culpable
 12 actor...arising out of the facts surrounding the killing.” As you can see, charged
 13 with and acquitted, are standards far less strenuous than a conviction. [Emphasis
 14 mine]

15 **NRS 41B.260** Civil action: Parties; burden of proof; evidence; stay
 16 of proceedings; limitation on time for commencement.

17 1. For the purposes of this chapter, an interested person may
 18 bring a civil action alleging that a person was a culpable actor in the
 19 felonious and intentional killing of a decedent. An interested person
 20 may bring such a civil action whether or not any person who is
 21 alleged to be a killer in the civil action or any other person is or has
 22 been, in a separate criminal action, charged with or convicted or
 23 acquitted of being:

24 (a) A culpable actor in the felonious and intentional killing of
 25 the decedent; or

26 (b) A culpable actor in any other offense arising out of the facts
 27 surrounding the killing of the decedent.

28 2. If an interested person brings a civil action pursuant to this
 section, the court shall determine, by a preponderance of the
 evidence, whether a person who is alleged to be a killer of the
 decedent was a culpable actor in the felonious and intentional killing
 of the decedent. If the court finds by a preponderance of the
 evidence that a person who is alleged to be a killer of the decedent
 was a culpable actor in the felonious and intentional killing of the
 decedent:

1 (a) The finding of the court conclusively establishes for the
2 purposes of this chapter that the person feloniously and intentionally
3 killed the decedent; and

4 (b) The person shall be deemed to be a killer of the decedent.

5 3. If, in a separate criminal action, a person is charged with
6 being a culpable actor in the felonious and intentional killing of a
7 decedent or with any other offense arising out of the facts
8 surrounding the killing of the decedent and:

9 (a) The person is acquitted of the charge;

10 (b) The charge is dismissed; or

11 (c) A verdict or judgment is not reached or entered on the charge
12 for any reason, evidence concerning any such matter is not
13 admissible in a civil action brought pursuant to this section.

14 4. Upon its own motion or the motion of an interested person,
15 the court may, in whole or in part, stay the proceedings in a civil
16 action brought pursuant to this section during the pendency of any
17 separate criminal action that has been brought against a person who
18 is alleged to be a killer in the civil action. The provisions of this
19 subsection do not limit the power of the court to stay the
20 proceedings in the civil action for any other reason.

21 Defendant, Ray, is applying to be appointed as Special Administrator in
22 the Probate Court in order to comply with the inheritance laws. As it appears by
23 a reading of the law that Defendant Harris may not be able to inherit from the
24 Decedent's life insurance policy, it seems reasonable to stay the deadlines of the
25 Scheduling Order until after the criminal trial to see the outcome of the criminal
26 case, wherein it will be determined Harris's culpability or not for the present
27 charge of murder of the decedent and who was the holder of the life insurance
28 policy. Harris' trial is presently set for May 30, 2023. See **Exhibit "A"**
Indictment and **Exhibit "B"** Minutes of Criminal Proceedings Dated September
27, 2022 in Case No C-20-351959-1.

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1 **IV. CONCLUSION**

2 Wherefore, Defendant Ray requests this Court stay the deadlines for the
3 Scheduling Order until after the criminal case against the Defendant Harris has
4 concluded.

5 **DATED:** December 6, 2022.

6 **MCCOY LAW GROUP, Ltd.**

7
8 **ORDER**

9 IT IS ORDERED that ECF No. 36 is
10 GRANTED as unopposed under LR
11 7-2(d).

12 IT IS FURTHER ORDERED that
13 Defendant must file a status report on
14 June 30, 2023.

15 IT IS SO ORDERED

16 DATED: 4:06 pm, December 27, 2022

17 

18 BREND A WEKSLER
19 UNITED STATES MAGISTRATE JUDGE

20 /s/ **Brandon McCoy**

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27 *bmccoy@mccoylawgroup.com*

28 *Attorneys for Defendant,*

TAH'JAE RAY

1 **CERTIFICATE OF SERVICE**

2 I certify that a copy of the foregoing was served this 6th day of December
3 2022, via:

4 **Electronic service to:**

5 Amy M. Samberg, Esq.

6 amy.samberg@clydeco.us

7 **U.S. Mail, postage prepaid to:**

8 Aaron L. Harris, Sr. #928435

9 Clark County Detention Center

10 330 South Casino Center Boulevard

11 Las Vegas, NV

12 /s/ **Debbie Massaro**

13 An Employee of McCoy Law Group. Ltd.